COURT NO.2

IN THE HIGH COURT OF UTTARANCAHL AT ANINITAL

WRIT PETITION NO. 7088 OF 2001 (S/S)

U.P. State Road Transport Corporation through
Regional Manager, Dehradun, Distt. Dehradun
..... Petitioner

Versus

1. Labour Court, U.P. Dehradun, Distt. Dehradun
2. Kuldeep Kumar S/o Sri Punna Mal
3. Shabbir Ahmed S/o Sri Asgar Hussain
4. Vishnu Dutt Tyagi S/o Sri Sewa Ram
5. Padam Singh
6. Mohar Singh S/o Sri Prithvi Singh
7. Ram Kumar Sharma S/o Sri Atma Ram

C/o Pradeep Kumar, Advocate, R/o Village & P.O. Lakhnaour, District Saharanpur
..... Respondents

Shri Ashish Joshi, ld. counsel for the petitioner.
None appears for Respondents No.2

Dated: 29.09.2005

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 20.08.2001, passed by Respondent No.1-Presiding Officer, Labour Court, Dehradun in Misc. Case No.255 of 2000.

Brief facts of the case according to the petitioner are that a claim application was filed by Respondent Nos.2 to 4 alongwith three other applicants under Section 33-C(2) of the Industrial Disputes Act, 1947 for payment of arrears of difference of salary, leave encashment and arrears of Dearness Allowances arose out of implementation of the recommendations 5th pay commission. The learned Tribunal after considering the entire evidence on record has recorded the finding that three applicant/workmen namely Shri Kuldip Kumar,

Shabir Ahmad and Punna Mal are working in Saharanpur Depot in U.P. (out of Uttaranchal) and the jurisdiction goes to Uttar Pradesh, but the petitioner has wrongly arrayed them as respondents. However, as regard the applicant/Respondent Nos.2 to 4 namely Shri Vishnu Datt Tyagi, Shri Ram Kumar & Shri Mohar Singh, the Tribunal allowed their applications and ordered the petitioner to pay the amount which has been mentioned in the list against their names alongwith the cost of Rs. 100, 200/- and 200/- respectively as litigation expenses to the each applicant under Section 33-C(2) of the Act. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for the parties and perused the entire evidence on record.

Before the learned Labour Court, the petitioner has accepted that recommendation of 5th pay commission is binding on the Corporation and according to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view the facts and circumstances of the case, the Tribunal has rightly ordered to pay the dues to the employee-workmen within one month.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang